

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dupree,

Plaintiff,

—v—

Commissioner of Social Security,

Defendant.

18-cv-7569 (AJN) (KNF)

ORDER

ALISON J. NATHAN, District Judge:

On May 6, 2021, the Court referred Plaintiff's motion for attorney's fees against Defendant Commissioner of Social Security to Magistrate Judge Kevin Nathaniel Fox. Dkt. No. 32. On September 15, 2021, Judge Fox issued a memorandum and order granting Plaintiff's motion for attorney's fees. Dkt. No. 33. On February 1, 2022, the Court converted Judge Fox's September 15 order to a report and recommendation and ordered the parties to file any objections within 14 days. Dkt. No. 34.

When considering the findings and recommendations of a Magistrate Judge, the Court may "accept, reject, or modify [them], in whole or in part." 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate's report or findings to which a party raises an objection, and reviews only for "clear error on the face of the record" when there are no timely objections to the Report & Recommendation. *Banks v. Comm'r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at *1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found

only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-cv-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

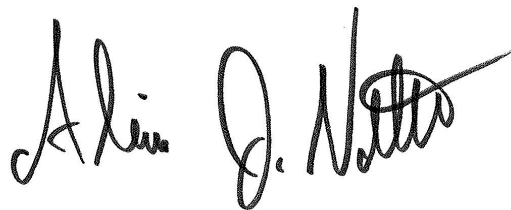
As of this date, no objections to the Report & Recommendation have been filed, and the deadline for objections has passed. *See* Dkt. No. 34. Thus, the Court reviews Judge Fox’s September 15, 2021 Order for clear error, and it finds none.

The Court therefore adopts the Order in its entirety and GRANTS Plaintiff’s motion for attorney’s fees against Defendant Commissioner of Social Security.

This resolves docket number 27. The Clerk of Court is respectfully directed to enter judgment in accordance with Judge Fox’s September 15, 2021 Order (Dkt. No. 33) and close this case.

SO ORDERED.

Dated: March 1, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge